IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 2013 of 2005

AND

WRIT PETITION NO.25329 of 2004

WRIT PETITION NO : 2013 of 2005

Between:

1 The Union of India, represented by its Secretary, Department of Personnel and Training, North Block, New Delhi.
2 The Central Administrative Tribunal, represented by its Principal Registrar, Principal Bench, New Delhi.
3 The Central Administrative Tribunal, by its Registrar, Hyderabad Bench, Hyderabad.

..... PETITIONERS

AND

R. Mahanthi, S/o. Late R. Joseph, Assistant,
Central Administrative Tribunal, Hyderbad Bench, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any Writ, order or direction particularly one in the nature of Certiorari calling for the records pertaining to the Order dt. 04-06-2004 in OA.No. 497/01 consequential orders in RA No. 44/04, dt. 28-09-2004 and RA No. 44/04, dt. 11-10-2004 on the file of Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad, and

quash the same.

Counsel for the Petitioners: MR.ARAJASHEKAR REDDY (STANDING COUNSEL FOR CENTRAL GOVERNMENT)

Counsel for the Respondent: Mr.V.VENKATESWARA RAO

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WRIT PETITION NO : 25329 of 2004

Between:

1 Union of India, represented by Secretary, Department of Personnel and Training, North Block, New Delhi.
2 The Chairman, Central Administrative Tribunal, New Delhi, represented Principal Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
3 The Central Administrative Tribunal, Principal Bench, New Delhi, represented by its Principal Registrar, New Delhi.
4 The Central Administrative Tribunal, Hyderabad Bench, Hyderabad, represented by its Registrar.

..... PETITIONERS

AND

R.Mahanthi S/o.Late R.Joseph,
Central Administrative Tribunal, Hyderabad Bench, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ order or direction particularly one in the nature of certiorari calling for records pertaining to the order dt 13-08-2004 in OA 1384/2003 on the file of Central Administrative Tribunal, Hyderabad Bench, Hyderabad and quash the same by holding the same as illegal, arbitrary.

Counsel for the Petitioners: MR.ARAJASHEKAR REDDY (STANDING COUNSEL FOR CENTRAL GOVERNMENT)

Counsel for the Respondent: MR.V.VENKATESWARA RAO

The Court made the following:

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ORAL ORDER: (per GB.J.)

Both the Writ Petitions can be disposed of by a common order.

2. Writ Petition No.2013 of 2005 is filed challenging the review order passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short Tribunal) in RA.No.44 of 2004 in OA.No.497 of 2001, dated 11.10.2004 and 11.10.2004.

3. The Central Government filed Writ Petition No.2013 of 2005 challenging the review order. The respondent in this Writ Petition filed OA.No.497 of 2001 seeking appropriate fixation of seniority in the cadre of Assistants. The Tribunal, after considering the matter and after hearing the unofficial respondents therein, dismissed the above OA by an order dated 4.6.2004. Thereafter the respondent filed RA.No.44 of 2004 to review the order passed in the above OA. The Tribunal allowed the said Review Application and granted the relief by an order dated 28.9.2004. Against the said order the Government has filed the present Writ Petition.

4. Mr.A.Rajasekhar Reddy, learned Senior Standing Counsel for the Central Government at the threshold submits that the Tribunal has committed error in passing the order in the Review Application without hearing the other unofficial respondents in the OA. In fact the unofficial respondents were not made as parties in the Review Application for the reasons best known to the respondent herein. Therefore the review order passed by the Tribunal is vitiated and the same is liable to be set aside.

5. We have also heard the learned counsel for the respondent.

6. We are in agreement with the learned Standing Counsel. It is noticed from the documents that the Tribunal dismissed O.A.No.497 of 2001 on merits after hearing the unofficial respondents viz., respondents 4 to 43. When a Review Application is sought to be filed, it is incumbent on the part of the applicants to make the unofficial respondents in the OA as respondents in the Review Application also, but for the reasons best known to the applicants, they did not make them as parties and obtained the orders upsetting the order of dismissal of O.A. passed earlier. Thus, we find that the order passed by the Tribunal in the Review Application is not sustainable without hearing the unofficial respondents.

7. Under these circumstances, we set aside the order passed in R.A.No.44 of 2004 dated 28.9.2004 and remit the same to the Tribunal for fresh consideration. The review applicant before the Tribunal shall implead the unofficial respondents viz., respondents 4 to 43 in O.A.No.497 of 2001, in Review Application No.44 of 2004 and the learned Tribunal shall pass appropriate orders after hearing the official/unofficial respondents.

8. The Writ Petition is accordingly allowed. No costs.

WRIT PETITION NO.25329 of 2004

9. In view of the orders passed in Writ Petition No.2013 of 2005, the order passed by the Tribunal in O.A.No.1384 of 2003, dated 13.8.2004 also shall stand set aside and the matter is remitted to the Tribunal for fresh consideration.

10. The Writ Petition is accordingly allowed. No costs.

(G.BIKSHAPATHY, J.)

3rd March, 2005.

(P.S.NARAYANA, J.)

SSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Department of Personnel and Training, Union of India, North Block, New Delhi.
2 The Principal Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
3 The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad.

4 The Principal Registrar, representing the Chairman, Central Administrative Tribunal, Principal Bench, New Delhi.

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